



COUNTRY FUME INVESTIGATION

Presented by
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County of San Diego
Department of Agriculture,
Weights and Measures



Structural Fumigations

Two Pesticides
Used:
❖ Vikane
❖ Methyl
Bromide



Active Ingredient

- ❖ **Sulfuryl Fluoride 99.8%**
Colorless, Odorless Gas, no
warning agent added
- ❖ **Chloropicrin is applied as a**
warning agent



Vikane Aeration

- ❖ Aerate for one full hour with all operable doors and windows open and fans running.
- ❖ Close doors and windows and aerate for an additional 5 hours for a total of 6 hours.
- ❖ Test for Vikane levels. If 5 ppm or less – certify safe for reentry.

Active Ingredient

- ❖ **Methyl Bromide 99.5%**
Colorless, Odorless
Gas, Contains
Chloropicrin

Methyl Bromide Aeration

- ❖ After the exposure period, open doors, windows and vents.
- ❖ Active (mechanical) aeration with windows open and fans running – Minimum 72 hours.
- ❖ Passive (non-mechanical) aeration with windows closed – Minimum 7 days.
- ❖ Test for Methyl Bromide levels. If less than 3 ppm - certify safe for reentry.


STRUCTURAL FUMIGATIONS IN FIVE COUNTIES



Country Fume, Inc.

- ❖ Routine Inspection
- ❖ Several Violations
 - No warning agent
 - Storing Vikane improperly
 - Transporting Vikane without proper placards
 - Failure to adequately secure Vikane Cylinder during transportation





Referred case to the
City Attorney
for prosecution

Follow Up Inspection

Both Methyl
Bromide and
Vikane
cylinders were
observed on the
truck
(99% use
Vikane)



Call from the Department of Pesticide Regulation

- ❖ San Bernardino County inspectors suspected that Country Fume was substituting Methyl Bromide for Vikane.
- ❖ Methyl Bromide rarely used today
- ❖ Asked us to check in San Diego County and see what they were reporting.



**THE
INVESTIGATION**

NOTICE OF INTENT

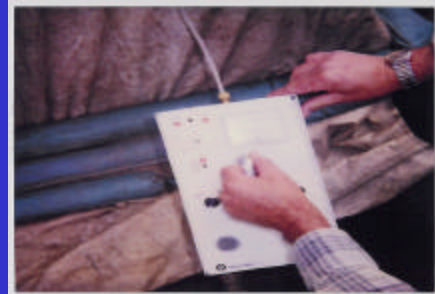
Form of Notice of Intent
 Agency of: State
 Department: Department of Health

STRUCTURAL FUNDATION NOTIFICATION

COMPANY NAME: CONCRETE WORKS, INC. REPORTING DATE: 11/11/11
 CONTACT PERSON: John Doe TELEPHONE NUMBER: 555-123-4567

Project/Structure	Address	City	Foundation Type	Foundation Depth	Foundation Width	Foundation Length	Foundation Area	Foundation Volume
1. <u>CONCRETE WORKS, INC.</u>	<u>1234 Main St.</u>	<u>Anytown, NY</u>	<u>Foundation</u>	<u>1000 ft</u>	<u>100 ft</u>	<u>100 ft</u>	<u>10000 sq ft</u>	<u>10000 cu ft</u>
2. <u>CONCRETE WORKS, INC.</u>	<u>5678 Main St.</u>	<u>Anytown, NY</u>	<u>Foundation</u>	<u>1000 ft</u>	<u>100 ft</u>	<u>100 ft</u>	<u>10000 sq ft</u>	<u>10000 cu ft</u>
3. <u>CONCRETE WORKS, INC.</u>	<u>9012 Main St.</u>	<u>Anytown, NY</u>	<u>Foundation</u>	<u>1000 ft</u>	<u>100 ft</u>	<u>100 ft</u>	<u>10000 sq ft</u>	<u>10000 cu ft</u>
4. <u>CONCRETE WORKS, INC.</u>	<u>3456 Main St.</u>	<u>Anytown, NY</u>	<u>Foundation</u>	<u>1000 ft</u>	<u>100 ft</u>	<u>100 ft</u>	<u>10000 sq ft</u>	<u>10000 cu ft</u>
5. <u>CONCRETE WORKS, INC.</u>	<u>7890 Main St.</u>	<u>Anytown, NY</u>	<u>Foundation</u>	<u>1000 ft</u>	<u>100 ft</u>	<u>100 ft</u>	<u>10000 sq ft</u>	<u>10000 cu ft</u>
6. <u>CONCRETE WORKS, INC.</u>	<u>2345 Main St.</u>	<u>Anytown, NY</u>	<u>Foundation</u>	<u>1000 ft</u>	<u>100 ft</u>	<u>100 ft</u>	<u>10000 sq ft</u>	<u>10000 cu ft</u>
7. <u>CONCRETE WORKS, INC.</u>	<u>6789 Main St.</u>	<u>Anytown, NY</u>	<u>Foundation</u>	<u>1000 ft</u>	<u>100 ft</u>	<u>100 ft</u>	<u>10000 sq ft</u>	<u>10000 cu ft</u>
8. <u>CONCRETE WORKS, INC.</u>	<u>1011 Main St.</u>	<u>Anytown, NY</u>	<u>Foundation</u>	<u>1000 ft</u>	<u>100 ft</u>	<u>100 ft</u>	<u>10000 sq ft</u>	<u>10000 cu ft</u>
9. <u>CONCRETE WORKS, INC.</u>	<u>4567 Main St.</u>	<u>Anytown, NY</u>	<u>Foundation</u>	<u>1000 ft</u>	<u>100 ft</u>	<u>100 ft</u>	<u>10000 sq ft</u>	<u>10000 cu ft</u>
10. <u>CONCRETE WORKS, INC.</u>	<u>8901 Main St.</u>	<u>Anytown, NY</u>	<u>Foundation</u>	<u>1000 ft</u>	<u>100 ft</u>	<u>100 ft</u>	<u>10000 sq ft</u>	<u>10000 cu ft</u>

Tested structures for Vikane using an Interscan device



Tested structures for Methyl Bromide using a Draeger Gas Detector



CHALLENGES



Tarps were left up for several days



- ❖ Required morning and evening testing
- ❖ Required return visits for several days
- ❖ This house:
 - Fumigated on the third day
 - Violation: failure to notify Commissioner

Blowouts

- ❖ Separation of seams, usually caused by high winds



After the Repairs Violation – Improper Notice

- ❖ House was fumigated after repairs were made



Blowout

- ❖ Waited 2 ½ hours for fumigation to be done
- ❖ Approached the building after crew left
- ❖ Found note saying fumigation had not been done



The Next Day

- ❖ Returned the following day and found note saying fumigation occurred the previous evening
- ❖ Found hole in the tarp
- ❖ Tested for Vikane and Methyl Bromide with negative results



No Violation

- ❖ Numerous visits
- ❖ No gas detected
- ❖ Company said due to the blowout they would be willing to redo the fumigation
- ❖ Did not charge the customer so no fraud

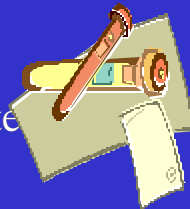


Interscan Calibration

Each day when we detected no fumigant with the Interscan device we had to either recalibrate the device or test a structure fumigated by another company to make sure we could testify that the equipment was working properly

Draeger Tubes

- ❖ Availability
- ❖ Expiration Date





THE MAIN EVENT



**TUESDAY
NOVEMBER 21, 2000**



**TESTED STRUCTURE FOR
VIKANE USING INTERSCAN
DEVICE**



**TESTED STRUCTURE FOR
METHYL BROMIDE USING A
DRAGER TUBE**



COMPARISON OF POSITIVE DRAGER TUBE TO NEGATIVE DRAGER TUBE

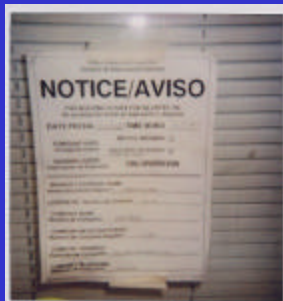


WEDNESDAY
NOVEMBER 22, 2000



NOTICE POSTED

- ❖ Structure certified safe for reentry at 3:00 p.m. on 11/22/00
- ❖ Fumigant listed as Vikane on Certification notice/Fumigation log
- ❖ Test Positive for MB, Negative for Vikane



IMPACT

- ❖ Rental Property - Sale
- ❖ Duplex – Two Families
- ❖ Families were required to be out of their homes over the Thanksgiving weekend

ADDITIONAL EVIDENCE

FUMIGATION LOGS

- ❖ Collected and reviewed structural fumigation logs for San Diego County
- ❖ Determined whether they were completed properly



FUME LOG REVIEW

Address	City	Gas Date	Gas Time	Aeration Date	Aeration Time	Certified Date	Certified Time
6919 Fitch Ct.	S.D.	5/17/00	10:10	5/18/00	9:00	5/19/00	8:00
347 Prospect	C.V.	5/18/00	7:00	5/19/00	7:40	5/20/00	7:00
1866 Doran	S.D.	5/19/00	3:30 p.m.	5/21/00	6:00	5/22/00	11:00
568 Doran	I.B.	5/19/00	5:00	5/21/00	7:00	5/22/00	8:00
1833 Benia	L.J.	5/20/00	7:00	5/21/00	8:00	5/23/00	6:30
104 Valencia	San Clem	5/24/00	1:00	5/26/00	8:30	5/26/00	9:00
566 Florida	I.B.	5/25/00	8:00	5/26/00	9:00	5/27/00	9:00

FUME LOG REVIEW

Address	City	Gas Date	Cylinder Serial Num.	Wt. Before introduction	Pounds Applied
3628 Merrimac	S.D.	8/17/00	04831	170	15
3569 Polk	S.D.	8/18/00	04831	140	10
5457 Streamview	S.D.	9/6/00	04831	130	14
1045 Calma Dr.	C.V.	9/7/00	04831	170	24
2411 Central	S.V.	5/12/00	04847	100	9
1951 Benia	L.J.	5/20/00	04847	200	26
948 Gotham	C.V.	5/23/00	04847	151	23

USE/PURCHASE COMPARISONS FIVE COUNTIES

❖ Riverside	❖ SCC Products
❖ San Bernardino	❖ Target Specialty Products
❖ Orange	❖ Van Waters & Rogers, Inc.
❖ Los Angeles	
❖ San Diego	
<u>Reported</u>	<u>Purchased</u>
❖ V = 17,161 lbs.	❖ V = 9,500 lbs.
❖ MB = 907 lbs.	❖ MB = 2,400 lbs.

RESULTS

17 structures were tested, which allegedly had been fumigated with Vikane

- ❖ 9 tested positive for Vikane
- ❖ 1 tested positive – 1 ppm – Vikane
- ❖ 1 tested positive for Methyl Bromide
- ❖ 6 tested negative for both Vikane and Methyl Bromide

FOLLOW-UP INVESTIGATION

Structural Board Inspectors found established termite colonies in three houses that had been fumigated by Country Fume, Inc.



VIOLATIONS

- ❖ Safety (Aerations, transportation and storage of Vikane, short-timing, no warning agent)
- ❖ Fraud (No fumigant)
- ❖ Falsification of/failure to complete fumigation logs (Two places at same time, fumigant amounts go up and down, two inconsistent logs for same job)
- ❖ Notice (Failure to notify AWM of correct fumigation time)

THE PROSECUTION



THE CHARGES

50 counts filed against:

- ♦ Country Fume, Inc.
- ♦ Owner
- ♦ Licensed Fumigator who performed most of the work in San Diego County

THE COURT PROCEEDINGS

- ❖ SEVERAL ARRAIGNMENTS
- ❖ PROBLEMS WITH ATTORNEYS
- ❖ LICENSES SUSPENDED
- ❖ COURT EXHIBITS
- ❖ PLEA BARGAINS

THE COMPANY AND THE OWNER

PLEADED GUILTY TO 21 COUNTS

- ♦ 14 DAYS CUSTODY
- ♦ LICENSE SUSPENDED – PROHIBITED FROM PRACTICING ANY TYPE OF PEST CONTROL ACTIVITIES
- ♦ RESTITUTION FINE OF \$200
- ♦ RESTITUTION OF INVESTIGATIVE COSTS IN THE AMOUNT OF \$31,704.44



THE FUMIGATOR

PLEADED GUILTY TO 20 COUNTS

- ♦ 90 DAYS CUSTODY – WORK FURLOUGH
- ♦ LICENSE SUSPENDED – PROHIBITED FROM PRACTICING ANY TYPE OF PEST CONTROL ACTIVITIES
- ♦ RESTITUTION FINE OF \$200
- ♦ RESTITUTION OF INVESTIGATIVE COSTS IN THE AMOUNT OF \$31,704.44



STRUCTURAL PEST CONTROL BOARD ACTION

- ❖ FILED AN ADMINISTRATIVE ACCUSATION AGAINST THE COMPANY, THE OWNER AND THE LICENSED FUMIGATOR TO REVOKE THEIR LICENSES
- ❖ DEFAULTS WERE ENTERED WHEN THE PARTIES FAILED TO RESPOND
- ❖ LICENSES HAVE BEEN REVOKED



THE END